

YOSHIMOTO LAW GROUP
A Limited Liability Law Company

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Attorneys for Defendant
TARGET CORPORATION

IN THE UNITED STATES DISTRICT COURT

STATE OF HAWAII

CLAIDE MANUEL,

Plaintiff,

vs.

TARGET CORPORATION; JOHN
DOES 1-10; JANE DOES 1-10; DOE
PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; and DOE
GOVERNMENTAL ENTITIES 1-10,

Defendants.

CASE NO. _____

DEFENDANT TARGET
CORPORATION'S NOTICE OF
REMOVAL TO THE UNITED
STATES DISTRICT COURT;
EXHIBITS "A" – "B";
CERTIFICATE OF SERVICE

DEFENDANT TARGET CORPORATION'S
NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant TARGET CORPORATION (“Target”), by and through its attorneys, YOSHIMOTO LAW GROUP, LLC, hereby removes the action entitled, Claide Manuel v. Target Corporation, et al., Civil No. 1CCV-22-0000944 filed in the Circuit Court of the First Circuit, State of Hawaii to the United States District Court for the District of Hawai‘i (hereinafter the “State Court Action”), pursuant to 28 U.S.C. §§ 1441 and 1446. Target’s Notice of Removal is based on the following:

Relevant Procedural History

1. On August 9, 2022, Plaintiff CLAUDE MANUEL (hereinafter “Plaintiff”) filed his “Complaint, Summons (referred to as the “Complaint”) against Defendant Target Corporation (“Target”) in the State Court Action. A true and correct copy of the Complaint is attached hereto as Exhibit “A.”

2. The Complaint alleges that on or about November 18, 2022, Plaintiff tripped and fell on a wet substance of the floor of the Target Store, located at 345 Hahani Street, Kailua, Hawaii, Hawaii. Id. at ¶¶ 5 and 9.

3. The Complaint goes on to generally allege that the conduct of Defendant Target was negligent. Id. at ¶¶ 10-12.

4. Target was served by personal service of the Complaint on its agent for service of process on August 11, 2022.

5. Target Answered the Complaint on August 31, 2022. A true and correct copy is attached hereto as Exhibit “B” is Target’s Answer to the Complaint.

Grounds for Removal - Diversity

6. This is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, and may be removed to this Court by the defendants pursuant to the provisions of 28 U.S.C. § 1441(a) because it is a civil action between citizens of different states and it appears from the face of the Complaint that the matter in controversy herein exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

Complete Diversity Exists

7. At the time of filing of the Complaint and this Notice of Removal, Plaintiff was a resident of the City and County of Honolulu, State of Hawaii. See Exhibit “A” at ¶ 1.

8. Target was, at the time the State Court Action was filed, and still is, a foreign corporation duly organized and existing under the laws of the State of Minnesota. See Exhibit “A” ¶ 2; see also Exhibit “B” at ¶ 2 (wherein Target admits the allegations that it was a foreign corporation).

9. Target’s principal place of business is also in the State of Minnesota.

10. Thus, complete diversity exists pursuant to 28 U.S.C. § 1332.

The Amount In Controversy Requirement Is Satisfied

11. Target is informed and believes from the face of the Complaint that the amount in controversy in this action exceeds \$75,000, exclusive of interests and costs.

12. Although the Complaint is silent on the exact amount in controversy, in paragraph 12 of the Complaint, Plaintiff Claude Manuel alleges that he sustained “...serious bodily injury, severe pain and suffering, severe emotional distress, past and future loss wages, medical and/or special damages and [other] amounts.” See Exhibit “A” at ¶ 12.

13. Prior to service of the Complaint, Plaintiff also demanded in excess of \$75,000 to resolve Plaintiff’s claims.

14. Thus, Target is informed and believes that the amount in controversy in this action exceeds \$75,000.00 as required by 28 U.S.C. § 1332.

Compliance With Removal Procedure

15. This Notice of Removal is being filed within thirty (30) days after service of receipt by the Defendant (on August 11, 2022) of the initial pleading setting forth the claims for relief upon which Plaintiff’s action is based. Therefore, this Notice is timely filed under 28 U.S.C. § 1446(b).

16. This Notice of Removal is being filed within one (1) year of the commencement of this action (on August 9, 2022) and therefore is timely filed under 28 U.S.C. § 1446(b).

17. Removal to this Court is proper as the Circuit Court of the First Circuit, State of Hawaii, where this action was originally filed, is located within the District.

18. Pursuant to 28 U.S.C. § 1446(a), and to the best of Target's knowledge, Exhibit "A" constitutes all of the process, pleadings and orders served upon Target at the time of this removal.

19. Counsel for Target certifies that it will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the First Circuit, State of Hawaii, and give notice of same to counsel for Plaintiff.

Preservation of Defenses

20. By filing this Notice of Removal, Target does not waive any defense which may be available to it.

DATED: Honolulu, Hawaii, August 31, 2022.

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/s/ Jason H. Fieman
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JASON H. FIEMAN
Attorneys for Defendant
TARGET CORPORATION